

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

VERIZON COMMUNICATIONS, INC.,

Plaintiff,

v.

No. 04-CV-1212
(GLS/DRH)

PENTKOWSKI, PASTORE, AND
FREESTONE et al.,

Defendants.

**DAVID R. HOMER
U.S. MAGISTRATE JUDGE**

REPORT-RECOMMENDATION AND ORDER

The complaint in the above referenced case was filed in this district on October 21, 2004. Docket No. 1. Under Fed. R. Civ. P. 4(m), service of process on the defendants was required to be completed within 120 days, or February 20, 2005. See also N.D.N.Y.L.R. 4.1(b). No proof of service has been filed as to any defendant. Accordingly, it is hereby

RECOMMENDED that the complaint be dismissed without prejudice in accordance with Fed. R. Civ. P. 4(m) and N.D.N.Y.L.R. 4.1(b).

Pursuant to 28 U.S.C. § 636(b)(1), the parties have ten days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court. **FAILURE TO OBJECT TO THIS REPORT WITHIN TEN DAYS WILL PRECLUDE APPELLATE REVIEW.** Roldan v. Racette, 984 F.2d 85 (2d Cir. 1993)(citing Small v. Secretary of HHS, 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

DATED: December 8, 2005
Albany, New York


UNITED STATES MAGISTRATE JUDGE